



Louis D. Victorino

Partner

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PRACTICE AREAS

- Government Contracts & Regulated Industries
- Intellectual Property
- White Collar and Civil Fraud Defense

INDUSTRIES

- Aerospace & Defense
- Maritime
- Technology

OVERVIEW

Mr. Victorino is a partner in the Government Contracts and Regulated Industries Practice Group in the firm's Washington, D.C. office.

Areas of Practice

Mr. Victorino's practice involves both counseling and litigation in the Public Contract Law field, representing domestic and foreign concerns that sell products, construction or services to Federal, State, or local government agencies. In his 36 year career, he has litigated in excess of thirty matters before the Court of Federal Claims, the Boards of Contract Appeals, the Comptroller General, and various Federal District Courts.

EDUCATION

- J.D., University of California, Los Angeles, 1970, Board of Editors, *UCLA Law Review*, 1968 - 1970
- B.A., Stanford University, 1967

ADMISSIONS

- District of Columbia
- California

EXPERIENCE

Some of the significant litigation matters include:

Litigated at the Armed Services Board of Contract Appeals \$3 million in constructive change claims under a contract to design and develop software designed to maintain Minuteman Missiles. The U.S. Air Force had defaulted the contract and demanded return of \$4.2 million in progress payments.

Litigated at the Armed Services Board of Contract Appeals, resolved through an alternative disputes resolution process, a dispute regarding rights to software designed and developed to improve the administration of design, manufacturing, and procurement changes under the NASA Shuttle Program.

Represented multiple companies in lawsuits in state and federal courts against competitors' misappropriation and misuse of technical data and software.

The identification, development and negotiation of \$25 million in constructive change

claims arising under a Navy contract for the construction of two guided missile patrol craft.

The identification, development and litigation at the U.S. Court of Federal Claims of \$8 million in constructive change claims arising under a contract for infrared decoy flares.

Counseling activities include advice on such diverse areas as protection of intellectual property rights and structuring employee compensation and benefit plans to meet public contract cost recovery criteria.

Recent counseling projects include the following:

Advised underwriter's counsel in initial public offering of telecommunications company whose primary assets were patents related to inventions made during the course of Government contracts. Identified remedial actions necessary to resolve patent ownership issues.

Assisted numerous contractors in negotiation of patent and data rights with the Government including designers/developers of simulation software, first response software, patentable fuze technology, patentable weapon laser technology, and patentable air refueling technology.

Developed subcontract/vendor terms and conditions for both a supplier of automatic data processing equipment and a provider of services under the CHAMPUS program.

Developed and assisted in negotiating teaming agreements for a company involved in classified research and development programs and for a supplier of military aircraft components.

Provided advice regarding a potential organizational conflict of interest ("OCI") and assisted the software development client in developing a mitigation plan to enable it to bid on future work notwithstanding the potential OCI.

Assisted a foreign owned company in the acquisition of two domestic companies, including preparing and filing requisite Exon - Florio Notices and documentation necessary to novate existing Department of Defense contracts.

HONORS

- Advisory Board, The Government Contractor, Federal Publications Inc., 1992 - 1999
- Board of Editors, Public Contract Law Journal, Public Contract Law Section, American Bar Association, 1991 - 1995
- Co-Chairman, Region VII, Public Contract Section, American Bar Association, 1974 - 1976
- Legal Remedies Staff, Commission on Government Procurement, 1971

ARTICLES

- The FAR's 'Contractor Business Ethics Compliance Program And Disclosure Requirements' Require Significant Changes For All Government Contractors And Subcontractors, *The Government Contractor*, December 17, 2008
- Third Time A Charm for Sheppard Mullin?, *Legal Bisnow*, September 15, 2008

- Practical Tips & Considerations For Subcontract Negotiations: A Subcontractor's Perspective, August 1, 2003
- "The Patent Rights and Technical Data Rights Clauses," Chapter 1, Rights in Technical Data and Patents Under Government Contracts (Federal Publications Inc. 1986-07 eds.).
- "Enforcing Data Rights," Briefing Papers, No. 91-10 (September 1991), 9 BPC 471.
- "More Contract Clauses (The Inspection, Warranty, and Termination Clauses)," Chapter 6, Fundamentals of Government Contracting (Federal Publications Inc. 1982-05 eds.).
- "Commercial Item Exemptions To The Truth In Negotiations Act And Cost Accounting Standards Under FASA And The Clinger-Cohen Act," Third Annual Federal Procurement Institute, American Bar Association, Public Contract Law Section (Feb. 27 & 28, 1997).
- "Multiple Award Task & Delivery Order Contracts" Briefing Papers, No. 96-10 (September 1996).
- "Competing for Professional Services Contracts," Briefing Papers, No. 94-10 (September 1994).
- "Antitrust Implications of Defense Industry Business Combinations," Briefing Papers, No. 93-7 (June 1993).
- "Government Failure To Disclose," Briefing Papers, No. 92-10 (September 1992).
- "Payment Delay Claims," Proving and Pricing Construction Claims (John Wiley & Sons 1990).
- "Non-Recurring Cost Recoupment," Briefing Papers, No. 90-10 (September 1990), 9 BPC 205.
- "Qui Tam Lawsuits," Briefing Papers, No. 89-10 (September 1989), 8 BPC 427.
- "The Inspection Clause," Briefing Papers, No. 88-10 (September 1988), 8 BPC 199.
- "The IR&D/B&P/Selling Costs Dilemma," Briefing Papers, No. 87-10 (September 1987), 7 BPC 625.
- "Compliance Programs," Briefing Papers, No. 86-11 (October 1986), 7 BPC 387.
- "Acquisitions and Mergers," Briefing Papers, No. 85-9 (September 1985), 6 BPC 351.
- "Personal Compensation Costs," Briefing Papers, No. 84-6 (June 1984), 6 BPC 351.
- "Post-Termination Costs/Edition II," Briefing Papers, No. 83-6 (June 1983), 6 BPC 171.
- "Bid Protest Suits In Federal Courts," Briefing Papers, No. 83-4 (April 1983), 6 BPC 141.
- "The Inspection Clause," Chapter 1, Inspection, Acceptance and Warranties (Federal Publications, Inc. 1988-99 eds.).

SPEECHES

- "Protecting Your Client's Technology: Intellectual Property Under Federal Government Contract- A Primer," 18th Annual IP Fall CLE Seminar, The Intellectual Property Section of the Virginia State Bar.
- "Advanced Subcontracting & Teaming Agreements," Federal Publications Seminars, Las Vegas, May 10-11, 2006 (Louis Victorino, John Chierichella)
- "Tales from the Dark Side - Government Contractors Horror Stories and Lessons We Can Learn From Them," Security Institute program - The Government Security Market, April 25, 2006, Washington, D.C.
- "The Inspection, Warranty, and Terminations Clauses," Fundamentals of Government Contracting (Federal Publications Inc., 1982-2005).
- "The Patent and Technical Data Rights Clauses," Rights in Technical Data and Patent Rights Under Government Contracts (Federal Publications Inc., 1986 -Present).

- "The Inspection Clause," Inspection, Acceptance, and Warranties(Federal Publications Inc.,1988-Present).
- "Technical Data Rights: Legislative and Administrative Developments" The Government Contracts Year In Review (Federal Publications Inc., 1992-2000).

EVENTS

- Federal Publications One Day Seminar
- Federal Publications Seminar
- Teaming Agreements and Advanced Subcontracting Issues
- Technical Data Rights and Patent Rights Under Government Contracts
- Technical Data Rights and Patent Rights Under Government Contracts